

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Washington, D.C. 20031

Serial No.: 10/051,743

Examiner:

Filed: January 22, 2002

Art Unit:

In re application of: Robert E. Fischell, et al

Docket No.: A1-01

For: RAPID RESPONSE SYSTEM FOR THE DETECTION AND TREATMENT OF
CARDIAC EVENTS

**RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A PROVISIONAL
APPLICATION**

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

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In response to the notification of omitted items from the above referenced patent application, the applicants respectfully state that FIG. 6, 8 and 16 were actually sent to and misplaced at the USPTO.

There are two facts that indicate that FIGS. 6, 8 and 16 were actually sent to the USPTO. The first fact is that the copy of the postcard for the above referenced application indicates that 13 sheets of drawings were actually sent. Since 13 sheets would have to include FIG. 6, 8 and 16, the applicants believe that FIGS. 6, 8 and 16 were actually sent.

The second fact is that there were actually two identical sets of 13 sheets of drawings sent to the USPTO for related applications on the same day, December 23, 2001. The second set, including FIG. 6, 8 and 16 was correctly received. Enclosed please find copies of two postcards that were mailed on the same date, December 23, 2001 with the two patent applications. Each patent application had 13 sheets of the same drawings, the same specification, but two different sets of claims. One claim set was

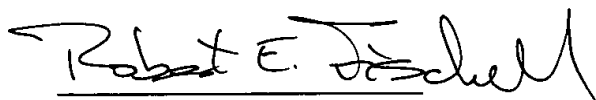
for an apparatus patent and the other for a method patent. Each postcard indicated that there were 13 sheets of drawings. I personally counted each of the sheets of the sets of 13 sheets for each of these patent applications before sending it to the USPTO. It was reported to the applicants that, for the first set for Case Docket No. A1-01, FIGS. 6, 8 and 16 were missing. The second set, for Case Docket No. A2-01, all 13 sheets of drawings were received properly by the USPTO. The applicants believe that, **since both sets of drawings were copied at the same time from the same set of 13 sheets of original drawings**, it is highly unlikely that the applicants accidentally omitted exactly three sheets from one of the sets, which three sheets were not sent on to the USPTO.

To conform with the requirements of the Notice of Omitted Items of April 2, 2002, please find enclosed:

- (1) A Petition requesting that the original filing date of Jan. 22, 2002 remain effective,
- (2) A check for \$130.00 (37 CFR 1.17(h)) to cover the fee for the Petition,
- (3) Copies of two postcards for Case Docket Nos. A1-01 and A1-02, and
- (4) One each of FIGS. 6, 8 and 16.

Your assistance in filing these missing drawings with the original patent application is most sincerely appreciated.

Respectfully submitted,

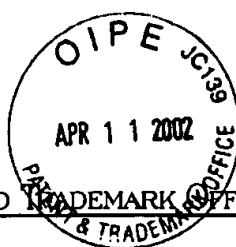


Robert E. Fischell, Sc.D.
14600 Viburnum Drive
Dayton, MD 21036
(301) 854-0606

Date: April 6, 2002



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/051,743	01/22/2002	Robert E. Fischell	A1-01

CONFIRMATION NO. 8648

FORMALITIES LETTER



OC000000007768657

Robert E. Fischell
14600 Viburnum Dr.
Dayton, MD 21036

Date Mailed: 04/02/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

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MAY 02 2002

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

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- Figure(s) 6, 8 & 16 described in the specification.

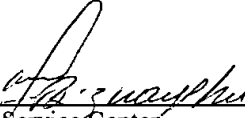
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE